

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAMES CALVEN OSBORNE,
Plaintiff,
vs.
ELDIN VAIL, et al.,
Defendants.

NO. CV-09-5006-RHW

ORDER DISMISSING COMPLAINT WITHOUT
PREJUDICE

BEFORE THE COURT is Plaintiff James Calven Osborne's Motion to Voluntarily Dismiss Complaint pursuant to Fed. R. Civ. P. 41(a). Defendants have not been served in this action. Accordingly, **IT IS ORDERED** Plaintiff's Motion (Ct. Rec. 13) is **GRANTED** and the Complaint is **DISMISSED WITHOUT PREJUDICE**. Although granted the opportunity to do so, Plaintiff did not file a separate Motion and Affidavit to waive the remaining balance of the filing fee as directed. Therefore, Plaintiff still is obliged to pay the full filing fee for this action pursuant to 28 U.S.C. § 1915(b).

IT IS SO ORDERED. The District Court Executive is directed to enter this Order, enter judgment of dismissal without prejudice, forward a copy to Plaintiff, and close the file.

DATED this 19th day of May 2009.

S/ Robert H. Whaley
ROBERT H. WHALEY
CHIEF UNITED STATES DISTRICT